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April 15, 1997

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Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

RECEIVED

APR 15 1997

Federal Communications Commission
Office of Secretary

Re: IB Docket No. 96-220
Notice of Ex Parte Presentation

Dear Mr. Caton:

Orbital Communications Corporation ("ORBCOMM") hereby notifies the Commission, pursuant to Section 1.1206 of the Commission's Rules, that it met yesterday afternoon with members of the International Bureau with regard to the above captioned proceeding. Attending the meeting on behalf of the Commission were:

Cassandra Thomas
Harry Ng
Julie Garcia
Dan Connors

A copy of the presentation materials discussed at the meeting is attached. An original and one copy of this notice are being submitted to the Secretary's Office for inclusion in the record. In addition, copies are being furnished to the Commission personnel who attended the meeting.

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Mr. William F. Caton

April 14, 1997

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If you have any questions with regard to this matter, please direct them to the undersigned counsel for ORBCOMM.

Sincerely,

A handwritten signature in cursive script, appearing to read "Stephen L. Goodman".

Stephen L. Goodman
Counsel for ORBCOMM

Attachment

cc: Cassandra Thomas
Harry Ng
Dan Connors
Julie Garcia

Progress on Reaching a Second Round Little LEO Agreement

14 April 1997

**Presented by
ORBCOMM**

SECOND ROUND ISSUES

- ◆ Response to LEO One ex parte presentations
- ◆ Sharing with E-SAT
- ◆ ORBCOMM Assumptions for Agreement
- ◆ Position on the NPRM
- ◆ Summary

- ◆ **“Status of first round licensees must be resolved”**
 - ORBCOMM agrees, but ORBCOMM must be included
 - ORBCOMM’s spectrum requirements are modest and can be met in the Industry Band Plan
- ◆ **“Likelihood of settlement is remote”**
 - All proponents, except ONE, are moving towards a solution
 - E-SAT interference is a major concern. E-SAT is redesigning its system
 - ORBCOMM has developed a 137 MHz band plan that we feel improves on the proposed Industry Band Plan

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- ◆ **“Leo One USA can only implement its proposed system under the A/B plan”**
 - FCC does not ensure that all aspects of a business plan will be possible
 - ORBCOMM has made dozens of modifications to its own business plan over the years
 - ◆ **“Impose strict financial requirements”**
 - Apply the current qualification rule
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- ◆ **“First rounders require all uplink feeder links in the 149.9 - 150.05 MHz band”**
 - ORBCOMM is limited in the spectrum which it can use because hardware is designed and in fabrication
 - Use of the 399.90-399.95 MHz band appears feasible internationally, if allocated in the US.
 - With committed Government support, WRC-97 can be expected to allocate new feeder link spectrum
 - Industry Band Plan provides for migration of ORBCOMM feeder links to 149.950 - 150.00 MHz
 - Second round applicants must be permitted to use newly allocated spectrum

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- ◆ **ORBCOMM has no interest in the OHB SAFIRE system's use of the 399.90 - 400.05 MHz band. This is a totally separate initiative by OHB**
 - OHB is not an ORBCOMM partner, but a partner of ORBCOMM's European licensee
 - ORBCOMM receives no benefit from this
 - ◆ **The Leo One 137 MHz band plan leaves no spectrum for ORBCOMM, except for the large system B1. This system, however, far exceeds ORBCOMM requirements**

- ◆ E-SAT proposes to operate a spread spectrum system with uplinks and downlinks overlapping all Little LEO systems
- ◆ E-SAT claims, without providing an analysis, that its emissions would be undetectable by other systems
 - Even a low power spread spectrum system causes concern, particularly because of the extreme sensitivity required to operate DCAAS
- ◆ ORBCOMM will continue to review E-SAT analyses

- ◆ **FCC will allocate 399.9 - 400.05 MHz to NVNG MSS in US to permit CTA to use the band**
 - CTA and OHB have already reached an agreement
 - Appendix 4 data should be sent by the FCC as soon as possible
 - This band should be allocated to NVNG MSS in the US and licensed under existing service rules
- ◆ **U.S. will vigorously support feeder link allocations above 1 GHz at WRC-97**
 - System X and Y will move to the new spectrum

- ◆ **International coordination of ORBCOMM will be completed, including 149.950 - 150.000 MHz**
 - ORBCOMM will be permitted to use this band until new second round licensees launch
 - Temporary licensees will relocate to new feeder link spectrum

- ◆ **There is no valid justification for excluding ORBCOMM**
 - It would be bad policy to preclude expansion of ORBCOMM and counter to public interest
 - Competition will exist, with or without additional systems, but the Industry Band Plan shows that ORBCOMM can be accommodated, along with all others
 - Exclusion of ORBCOMM would be unlawful
- ◆ **WRC-95 and WRC-97 spectrum should be set aside for second rounders**
- ◆ **Auctions should not be used for global systems**
- ◆ **Precise location capabilities for user terminals is impractical and unnecessary**

- ◆ **Six of the second round applicants are working towards an agreement that:**
 - Provides spectrum for all second round applicants
 - Protects existing licensees
 - Promotes spectrum efficiency
 - Eliminates mutual exclusivity
- ◆ **The Industry Band Plan provides a framework for completion**
 - There are still some details to negotiate
- ◆ **The Industry Band Plan is based on certain assumptions as to what the FCC and the U.S. Government will do to support the agreement**